

83 Allen Street, Sylva, NC 28779

## **APPLICATION FOR ZONING TEXT OR MAP AMENDMENT**

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Submit this completed application and all supporting documentation that may be helpful in the review process. In order to ensure that the proposed text amendment or map amendment complies with the Town of Sylva's regulations, we recommend that the applicant review the Town of Sylva Zoning Ordinance prior to application submittal. The request for a Zoning text or Zoning Map amendment may only be initiated by the Town Board of Commissioners, the Town Planning Board, Planning Staff, the owner of property in the Town of Sylva or a citizen of the Town of Sylva.

All responses in this application must be legible and filled out completely. Illegible and/or incomplete applications will be returned to the applicant. The application fee for a text amendment or map amendment is set forth in the Town of Sylva's fee schedule, is non-refundable and must be submitted with the completed application. For map amendment requests, a current survey prepared and sealed by an NC Registered Surveyor will be required. Applications are not accepted via facsimile or email. Please submit application, fees and supporting documentation to the Town of Sylva, 83 Allen Street, Sylva, NC 28779 via hand delivery or U.S. Mail.

Application deadlines are 30 days prior to the Town of Sylva's Planning Board next scheduled meeting. The applicant will be notified of scheduled hearing dates and times. The average text or map amendment petition timeline is 45 days from date of application to Town Hall. Depending on the complexity of the request, it is not unusual for a petition to take up to 6 months to be considered before the Town Board of Commissioners. Hearing schedules are not guaranteed and subject to change.

**Conditional Zoning Districts (CD)** are a zoning tool, permitted in accordance with NCGS 160D-703.b., which may be utilized to create new unique, site-specific districts for uses or developments that may have particular benefits and/or impacts on both the immediate area and the community as a whole. The development of these uses may require deviation of the general district standards. The applicant must provide an initial Master Site Plan and zoning proposal that includes all proposed uses and standards for the conditional zoning district being proposed. It is not the intention of Conditional Zoning to circumvent, reduce, or eliminate particular regulations as they would normally be applied to any particular district or use but rather provide flexibility and design standards unique to the subject property and use.

This negotiated approach between the applicant and the Town through a legislative decision allows maximum flexibility to tailor regulations to a particular site and project. Special restrictions have been placed on Conditional zoning. Conditional Zoning Districts occur at the owner's request and conditions cannot be imposed without the owner's agreement. The individual conditions and site-specific standards that can be imposed are limited to those that are needed to bring a project into compliance with town ordinances and adopted plans and to those addressing the impacts reasonably expected to be generated by the use of the site. The town must assure that all of the factors defining reasonable spot zoning are fully considered and that the public hearing record reflects that consideration.

Conditional Zoning shall be subject to the specific procedural rules located in Articles 3 and 5.

**PLEASE COMPLETE ALL SECTIONS OF THE APPLICATION;  
INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT;  
INDICATE "NOT APPLICABLE" OR "N/A" WHERE APPROPRIATE**

**Contact Information:**

Applicant/Agent: Peggy P. Revis

(This person will be the contact person and will receive all mailings)

Address: 144 Cherry St. Sylva, N.C. 28779

Phone: 828-586-9836 Fax: \_\_\_\_\_

Email: peggyrevisnc@gmail

Property Owner(s): \_\_\_\_\_

(If the owner is different than the applicant)

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Property Information:**

Property Location/Address(es): 94 Cherry St.

Vacant Lot corner of Caldwell + Cherry Sts

Tax Parcel Identification Number(s): 7641478063

Current Use of Property(ies): Vacant

Acreage to be Rezoned: 1.252

Deed Book: 878 + 766 Page: 60 + 366 Lot / Tract Size: 1.252 Acres (acres)

Property Street Frontage / Width: Caldwell 245.25'  
Cherry 247.60' Property Depth: 2058.5'

Flood Plain: 100 year FIRM Panel: \_\_\_\_\_

**Zoning Information:**

Current Zoning District(s): Residential

Requested Zoning District(s): Commercial

Purpose of Zoning Change (optional): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Spot Zoning Statement:**

In the space below, please indicate whether the proposed rezoning *will* or *will not* constitute a spot zoning and explain *why* the proposed rezoning *will* or *will not* constitute a spot zoning. (For more information on spot zoning, refer to the attachment on spot zoning).

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**Town of Sylva LAND USE PLAN CONSISTENCY**

All rezoning requests must be consistent with the Town of Sylva's *Land Use Map*

Current Land Use Classification(s): \_\_\_\_\_

This rezoning request is:

Consistent with the Town's Land Use Map.

NOT consistent with the Town's Land Use Map.

**IF THE REZONING REQUEST IS NOT CONSISTENT WITH THE LAND USE MAP:**

A Land Use Map Amendment is *REQUIRED*. All rezoning requests **MUST BE CONSISTENT** with the Town of Sylva's *Land Use Map* and/or the *Town's Land Use Plan*. All Land Use Amendments must be consistent with one or more of the adopted Land Use Plan Policies located within the Town's Land Use Plan Update document and/or demonstrate a change in the character of the area that warrants a departure from the adopted Land Use Plan. In the space below, please explain *why* the proposed Land Use Amendment will be consistent with the Town of Sylva's Land Use Plan and how the character of the area has changed (A copy of the Town of Sylva's Land Use Plan and Map can be viewed at Town Hall).

*The land is consistent with the Town's Land Use Map*

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## **APPLICATION REQUIREMENTS:**

All written materials and photographs must be a minimum of 8½"x11" paper; maps, surveys and plans must be submitted on a minimum 11"x17" paper. For the first level of review with the Town of Sylva Planning Board, the applicant must supply one (1) original and ten (10) copies of the completed application, supporting documents, photographs and materials. For Clerk advertisement and Board of Commissioners consideration, the Planning Staff may request additional documents as necessary. Please plan to attend all meetings and be prepared to answer questions or present information as necessary to the Planning Board or Town Board of Commissioners. Failure to attend may result in a delay or denial of your application.

1. **Legal description and property survey:** For a Major map amendment or if the applicant is seeking to subdivide a property to amend, attach a complete legal description (metes and bounds) of the property. Provide an existing survey of the property, with a scale indicating dimensions. If the applicant is seeking a text amendment, please attach a tax map with PIN number.
2. **Requested zoning change and use:** Indicate the current zoning classification and the proposed zoning classification being requested.
3. **Adjacent property zoning and land use:** Provide the current zoning and land use for the parcels immediately adjacent to the subject property (include all directions – north, south, east and west). Do not include right-of-way when considering adjacent uses.
4. **Land use and future development:** Describe how land use and future development conditions have changed that make the existing zoning designation unsuitable; include detail as to why a rezoning would be compatible with the character of the area.
5. **Public need:** Indicate the perceived need for the additional land to be zoned to the requested classification stated above.
6. **Community impact:** Describe the impact the proposed rezoning would generate on the adjacent properties and the surrounding neighborhoods/communities/businesses. Include in your discussion: transportation, utilities, storm water management, fire, public safety, open space, topography, density, property access and economic development. Provide in detail why or why not (and if so, how) the proposed rezoning will affect the surrounding properties.
7. **Infrastructure demand:** Describe the impact the proposed rezoning would have on public services, facilities and infrastructure (e.g. schools, parks, recreational services, roads, senior services, etc.). Provide in detail estimated demand for existing and/or new services based upon build-out and population projections.
8. **Zoning Ordinance and Comprehensive Plan compliance:** Explain how the proposed rezoning or development will be in compliance with Town's Land Use Plan and/or Comprehensive Plan.

### ***Notification:***

All property and business owners within 100 feet of the property being considered for a text or map amendment must be mailed an Adjacent Property Owner Notification a minimum 10 days prior to the Town of Sylva Planning Board and Town Board of Commissioners meetings. The applicant is responsible for supplying a list of the names and mailing address for these properties and businesses affected by the possible text or map amendment change. In addition, the applicant must supply two (2) set of stamped, addressed #10 envelopes for each property and business owner within a 100' radius. The return address should read:

Town of Sylva  
83 Allen Street  
Sylva, NC 28779

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## ***SPOT ZONING***

### ***SPOT ZONING DEFINED:***

"A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called spot zoning."

### ***How to determine whether a particular rezoning is spot zoning when a relatively small tract of land is:***

- o Zoned differently from the surrounding area
- o Not taking into account the larger community context
- o Not in accordance with the comprehensive plan

### ***Factors to Consider:***

#### ***1. Size of Rezoning Area***

The smaller the area/tract the more likely the rezoning can be considered a spot zoning. The size of the tract must be looked at in context for the larger area.

#### ***2. Compatibility with the Plan***

How consistent is the rezoning with the Land Use Plan(s). Relationship of the Town's Land use policies and objectives. Is the land suitable for the following:

- o Development (e.g., topography, soil types, wetland locations, and flood areas)
- o Availability of Services (e.g., water, sewer, roads)
- o Existing and Needed Land Uses.

#### ***3. Benefits & Detriments***

Look at who will benefit and be harmed (if anyone) from the result of the rezoning (e.g. owner, adjacent owners & community at large).

#### ***4. Relationships of Uses***

The relationship of the proposed uses versus the current uses on adjacent land.

**Authorization:**

**Note: If the person requesting of The Town of Sylva, to take action on a particular piece of property is not the owner of the property, or under contract to purchase, then the actual owner of the land must complete this form with his/her signature notarized. If the property owner is the applicant please complete the section below and sign as indicated.**

**Fax, Scan or Copied images of the original document will not be accepted.**

I, Peggy Revis (Land owner name) am the owner of the property located in the Town of Sylva Zoning Jurisdiction at:

Street address: 94 Cherry Street Property PIN: \_\_\_\_\_

I hereby authorize Janet Lee (owner or applicant's name) to appear with my consent before the Town of Sylva Planning Board and Board of Commissioners in order to request a rezoning for the above noted location. I authorize the Town of Sylva to advertise and the applicant to present this matter in my name as the owner of the property. I hereby authorize the Town Officials to enter my property to conduct relevant site inspections as deemed necessary to process the application. All information submitted and required as part of the approval process shall become public records. I, as the land owner, hereby CERTIFY THAT THE INFORMATION CONTAINED HERIN IS TRUE TO THE BEST OF MY KNOWLEDGE; AND BY ACCEPTING THIS REZONING, if approved, shall in every respect conform to the terms of this application and to provisions of the Statutes and Ordinances regulating development in the Town of Sylva. Any VIOLATION of the terms above stated and/or Town Ordinances or Regulations will result in civil penalties. If there are any questions, you may contact me at:

Street Address: 144 Cherry Street

City / State / Zip Code: Sylva, NC 28779

Phone Number: 828 - 586-9856

Email Address: \_\_\_\_\_

Owners Signature: Peggy Revis

Sworn to and subscribed before me, this the 10 day of January, 2023

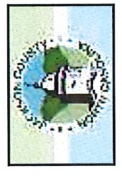
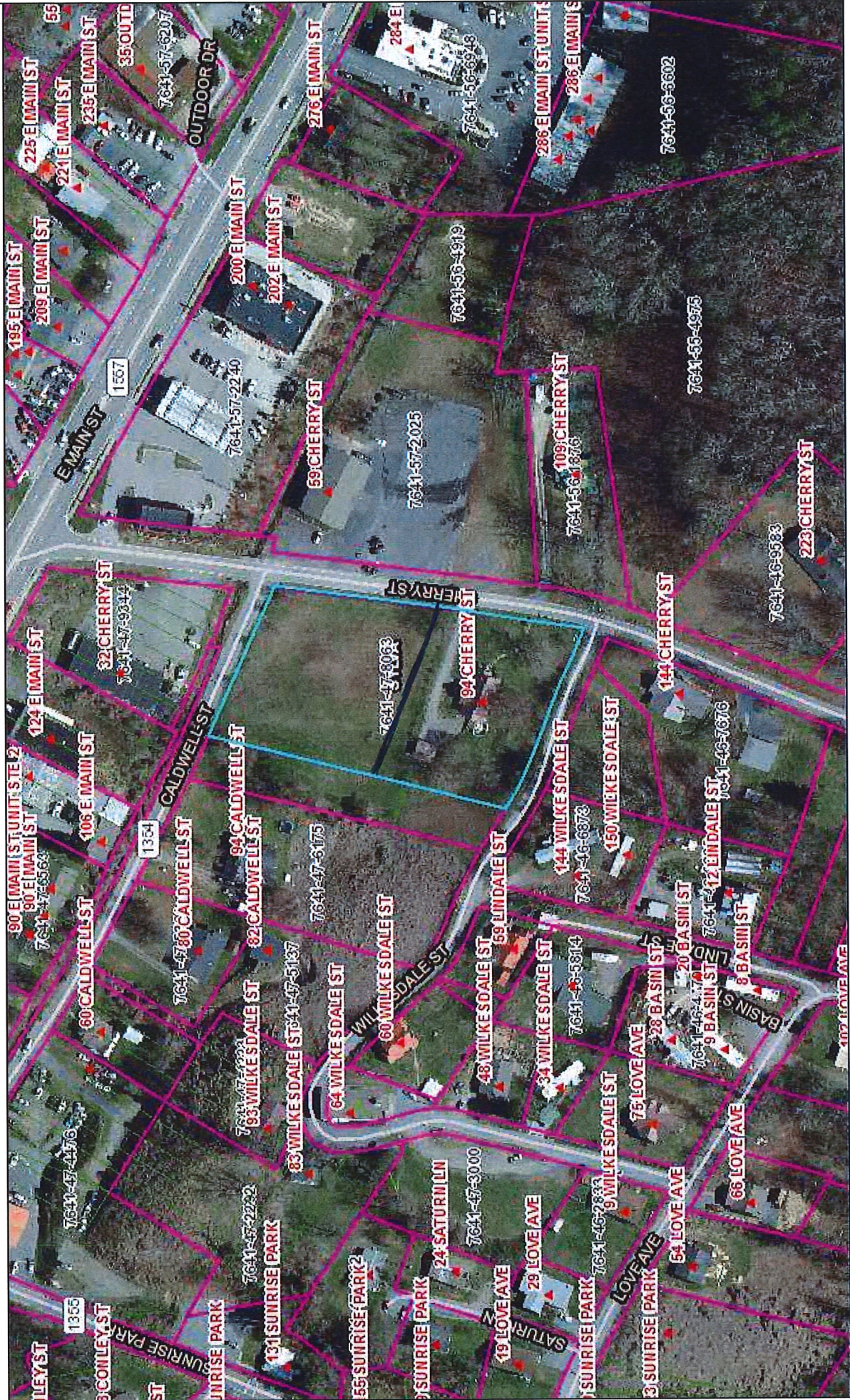
Amanda W Murajda  
Notary Public

Seal

My commission expires: 3-8-2025



# Peggy Revis--Cherry Street Zoning Map Amendment



\*WARNING: THIS IS NOT A SURVEY.  
 This map is prepared for inventory of real property within Jackson County. It is compiled from recorded deeds, plats, and public data records. Users of this map are hereby notified that the aforementioned public information sources should be consulted for verification. Jackson County or any County representative assumes no legal responsibility for the contents of this map.

- ▲ Address Points
- Centerlines
- Parcel Lines
- Easement
- Hooks
- Leader Line
- Lot Line
- Subdivision
- ROW
- Parcels





February 23, 2023

TOWN OF SYLVA BOARD OF COMMISSIONERS

**Statement of Consistency pursuant to G.S. 160D**

Re: Proposed zoning map amendment from High Density Residential to General Business for a portion of parcel identified by PIN# 7641-47-8063.

The Town of Sylva Planning Board has found the zoning map amendment to parcel identified by PIN# 7641-47-8063 to be supported by the Town of Sylva 2040 Land Use Plan.

We find the proposed amendment to be consistent with the key drivers for The Plan for Sylva identified on page 20 and corridor specifications found on page 34 of the Town of Sylva 2040 Land Use Plan. The term driver refers to a top planning consideration that shapes The Plan for Sylva. More specifically:

- Driver 1—Reimagine Commercial Corridors: To align with the vision, integrating the corridors in Sylva will be necessary due to major construction proposed with the R-5600 NC Highway 107 plan. This plan will displace several businesses along the construction path. Future development of additional business space is needed to accommodate the loss of property fronting Highway 107. This parcel lies one parcel back from Highway 107.
- Urban Neighborhoods: The Urban Neighborhood character area includes existing residential and new areas where it is envisioned that reinvestment in the community can and will occur. A focus on things such as the walkability to Downtown Sylva and the Town's other commercial areas, higher density residential units and live-work units are included in the Urban Neighborhoods. This parcel lies with the urban neighborhood area of the Town of Sylva 2040 Land Use Plan.

We therefore consider the proposed zoning map amendment to be reasonable and in the public interest.

Signed: \_\_\_\_\_

David Nestler, Mayor, Town of Sylva



February 23, 2023

TOWN OF SYLVA PLANNING BOARD

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We find the proposed amendment to be consistent with the key drivers for The Plan for Sylva identified on page 20 and corridor specifications found on page 34 of the Town of Sylva 2040 Land Use Plan. The term driver refers to a top planning consideration that shapes The Plan for Sylva. More specifically:

- Driver 1—Reimagine Commercial Corridors: To align with the vision, integrating the corridors in Sylva will be necessary due to major construction proposed with the R-5600 NC Highway 107 plan. This plan will displace several businesses along the construction path. Future development of additional business space is needed to accommodate the loss of property fronting Highway 107. This parcel lies one parcel back from Highway 107.
- Urban Neighborhoods: The Urban Neighborhood character area includes existing residential and new areas where it is envisioned that reinvestment in the community can and will occur. A focus on things such as the walkability to Downtown Sylva and the Town's other commercial areas, higher density residential units and live-work units are included in the Urban Neighborhoods. This parcel lies with the urban neighborhood area of the Town of Sylva 2040 Land Use Plan.

We therefore consider the proposed zoning map amendment to be reasonable and in the public interest.

Signed: \_\_\_\_\_

Alan Brown, Chairman, Town of Sylva Planning Board

**Town of Sylva, North Carolina  
Zoning Map Amendment Request  
Staff Report – February 8, 2023**

**Applicant:** Peggy Revis – Property Owners

**Property Location:** 144 Cherry Street, Sylva NC 28779; PIN 7641-47-8063

**Current Property Zoning:** High Density Residential - HDR

**Ordinance Section for which the Text Amendment is requested:** Article 3 - Procedures - Section 3.9.B – Zoning and Map Amendments

**Description of Request:**

The applicant is requesting a map amendment that would designate a portion of the subject property as General Business (GB).

**Background:**

The General Business District (GB) is the largest district within Sylva’s commercially zoned jurisdiction. The GB District offers a broad range of permitted and special uses such as lodging, retail/commercial, restaurants, public/civil and recreational uses. Property improvements in this district are subject to development standards as set forth in the zoning ordinance including building setbacks, landscaping, architectural standards, sidewalk construction, parking, storm water treatment, etc.

The subject property is located on the southwest corner of Caldwell Street and Cherry Street intersection. This property is 1.60 acres in land area with an existing residential structure located near the southerly property line. Access to this property is from the public right-of-way of both Caldwell and Cherry Streets. Historically, this property has been used only as a private residence. This particular parcel is adjacent to properties north and east that are zoned and in the GB District and is partially located in the 100-year flood plain. This property is served by Tuckasegee Water & Sewer Authority for public utilities.

**Application Response:**

The applicant is requesting that the existing Town of Sylva Zoning Map be amended to designate a portion of the subject property (1.25 acres) to the General Business District.

**Staff Findings:**

The requested map amendment would not constitute “spot zoning” as the properties to the north and east are zoned GB.

The Town’s adopted Land Use Plan for 2040 establishes that this property will be in the future *Urban Neighborhood District*. The encouraged land uses for this future district include: primarily residential: small lot single family, townhome residential, two-, three- or four-family units, and multifamily; civic and educational uses that support community residents, live-work units, small scale in-home businesses and small scale public open space (e.g. active pocket parks, passive open space, greenways). In addition, this requested map amendment will create an available property and opportunity in the GB District that may be needed to serve the community during/after the proposed Highway 107 improvement project.